

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Builders FirstSource – Southeast Group, LLC,

Plaintiff,

v.

Arch Specialty Insurance Company and
Western World Insurance Company,

Defendants.

2:20-cv-00654-RMG

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, Defendant Arch Specialty Insurance Company (“Arch”), hereby files its Notice of Removal of the above-captioned case from the Court of Common Pleas for Charleston County, South Carolina, to the United States District Court for the District of South Carolina, Charleston Division. The grounds for the removal are as follows:

1. A civil action is now pending in the Court of Common Pleas for Charleston County, South Carolina, bearing the case name as captioned above with Docket No. 2019-CP-10-06671, filed on December 30, 2019.
2. Arch was served with a copy of the Summons and Complaint in this action on January 8, 2020. Arch has not filed a response in the Court of Common Pleas for Charleston County, South Carolina. A copy of all state court papers, excluding other discovery matters, are attached as **Exhibit A**.
3. Upon information and belief, Plaintiff Builders FirstSource – Southeast Group, LLC (“Plaintiff”) was, at the time of the commencement of this action, and still is a limited liability company organized under the laws of the State of Delaware with its principal place of business in the State of Texas.

4. Upon information and belief, at the time of the commencement of this action, and at this time, Defendant Western World Insurance Company was and is an insurance company organized and existing under the laws of the State of New Jersey, having its principal place of business in the State of New Jersey.

8. At the time of the commencement of this action, and at this time, Arch was and is a corporation organized and existing under the laws of the State of Nebraska, having its principal place of business in the State of New Jersey.

9. This action is one of a civil nature, seeking money damages for alleged breach of contract and bad faith.

10. Per the Complaint, Plaintiff seeks to recover attorneys' fees, costs, and expenses incurred in the present declaratory judgment action and in the defense of the Underlying Lawsuit captioned, *Six Fifty Six Owners Association, Inc., et al. v. Winsor South, LLC, et al.*, Case No. 2016-CP-10-3455, which amount, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, and therefore, meets the amount in controversy requirement for diversity jurisdiction.

11. Arch desires to remove this action to this Court and, therefore, files this Notice along with attachments pursuant to 28 U.S.C. § 1441, *et seq.*, and this Court has jurisdiction pursuant to 28 U.S.C. § 1332.

12. Arch removes this action within thirty (30) days from the date of receipt of the Summons and Complaint.

13. Arch removes this matter pursuant to 28 U.S.C. § 1332 because the action brought by Plaintiff against Defendants is a suit of a civil nature, the character of which the District Courts

of the United States are given original diversity jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by Arch pursuant to 28 U.S.C. § 1441.

14. Written notice of the filing of this Notice of Removal has been served upon the attorney for Plaintiff by mail on this date, together with a copy of the Notice of Removal and supporting papers, and has been mailed for filing with the Clerk of Charleston County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Arch Specialty Insurance Company prays that the above-entitled case be removed to the United States District Court for the District of South Carolina, Charleston Division, pursuant to 28 U.S.C. § 1441 *et seq.* If any question should arise regarding the propriety of the removal of this action, Defendant Arch Specialty Insurance Company respectfully requests the opportunity to brief fully the legal issues through supporting memoranda, as well as oral argument, in support of its position that the case is removable, as well as conduct discovery on the subject matter, if necessary.

GALLIVAN WHITE & BOYD, P.A.

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Columbia, South Carolina
February 6, 2020